

Date: January 12, 2002
Response to: RM-10353

Request: Denial of Petition RM-10353

I recommend that the FCC deny the request to amend the Commission's rules regarding provisions for an Amateur Station Vanity Call Sign, RM-10353, proposed by the Quarter Century Wireless Association.

The request is to allow an individual, in effect using their will as a vehicle, to transfer ownership rights of a call sign to someone they have designated in that will. The primary reason for denying this request is that it assumes that someone can will property that they do not own. In effect, this request is the equivalent of having a renter will the house that she is living in to someone else upon her death. As in real estate, such a gift can only be made for property that the person actually owns. While the owner of the property has such a right, the renter does not. Applying this same principle to Amateur Radio licenses, the FCC retains ownership of the call sign, not the licensee.

There are several secondary reasons for denying this request. First, such actions would require the FCC to handle individual requests by executors for each will as part of a legal probate proceeding. The proposed rule, as currently written, may create legal issues in some states where several people must witness a will and where the person receiving the gift cannot be one of the witnesses. The FCC must also recognize that the executor of the will may not be an Amateur Radio operator and in many cases is not a lawyer.

Second, a request to will the call sign to someone else could run counter to FCC rules as in the case where an Amateur Extra wills a 4 character call sign to someone who is not an Amateur Extra. Changing the rules in this area could remove the ability for someone who has been granted a certain class license to obtain a specific vanity license that might not otherwise become available.

Third, because approval of this request would denote ownership of the call sign by the licensee, the FCC would have to adopt new policies if they elect to revoke an individual's call sign and license. Revoking a license and call sign of any licensee could prove challenging if ownership of that call sign is transferred to the licensee.

Thank you for your review of my comments as part of your decision process.

Sincerely,

Steven Bryant
NA6EE
Amateur Extra